

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HARRIET J. INESS,)
Plaintiff,) No. CV-09-0056-JPH
v.) ORDER GRANTING STIPULATED
MICHAEL J. ASTRUE,) MOTION TO REMAND
Commissioner of Social) (Ct. Rec. 19)
Security,)
Defendant.)

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings. (Ct. Rec. 19). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 8).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). On remand, an Administrative Law Judge (ALJ) will hold a *de novo* hearing and plaintiff may raise any issue. The ALJ will: (1) re-evaluate evidence from consultative psychologists Drs. Severinghaus and Charboneau; (2) obtain updated medical evidence, including a psychiatric evaluation.; (3) obtain testimony from a medical expert at the

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1 hearing; (4) complete the sequential evaluation process; and (5)
2 if applicable, re-evaluate plaintiff's alcohol abuse pursuant to
3 the regulations.

4 Because this remand is pursuant to sentence four of 42 U.S.C.
5 § 405(g) with a remand of the cause to the Commissioner for
6 further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89
7 (1991)), plaintiff is entitled to reasonable attorney's fees and
8 costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to
9 this Court.

10 Accordingly, this court **reverses** the Commissioner's decision.

11 **IT IS FURTHER ORDERED:**

12 1. The parties' stipulated motion for an order of remand
13 (**Ct. Rec. 19**) is **GRANTED**.

14 2. Judgment shall be entered for the **PLAINTIFF**.

15 3. An application for attorney fees and costs may be
16 filed by separate motion.

17 4. The District Court Executive is directed to enter
18 this Order, forward copies to counsel, and **close** this file.

19 **IT IS SO ORDERED.**

20 **DATED** this 17th day of November, 2009.

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22 *s/James P. Hutton*
23 JAMES P. HUTTON
24 UNITED STATES MAGISTRATE JUDGE
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